

HOOD LUMBER COMPANY,)
FORMERLY HANEL LUMBER CO., INC.,)

AGBCA No. 98-156-1

Appellant)

Representing the Appellant:)

Gregory J. Miner)
Preston Gates & Ellis)
Attorneys at Law)
222 S.W. Columbia Street)
Suite 1400)
Portland, Oregon 97201-6632)

Representing the Government:)

Jim Kauble)
Office of the General Counsel)
U. S. Department of Agriculture)
1734 Federal Building)
1220 S.W. Third Avenue)
Portland, Oregon 97204-2825)

DECISION OF THE BOARD OF CONTRACT APPEALS

February 29, 2000

Before HOURY, VERGILIO, and WESTBROOK, Administrative Judges.

Opinion for the Board by Administrative Judge WESTBROOK.

This appeal arises out of the Enola Timber Sale Contract No. 077378 between Hood Lumber Co., formerly Hanel Lumber Company, of Mill City, Oregon (Appellant), and the U. S. Department of Agriculture, Forest Service, Mt. Hood National Forest, Sandy, Oregon (FS or Government). The bid opening date was August 7, 1990, and award was on September 8, 1995. Delay was due to litigation and subsequent voluntary cultural studies. Appellant appealed a decision of the Contracting Officer denying its claim for increased costs resulting from the delay in award. The appeal timely filed under the Contract Disputes Act, 41 U.S.C. §§ 601-613, as amended, was docketed at the Board March 19, 1998. The FS filed a motion to dismiss and Appellant filed a motion to substitute another entity as Appellant. The Board denied both motions. Hood Lumber Company, Formerly Hanel

Lumber Co., Inc., AGBCA No. 98-156-1, 99-2 BCA ¶ 30,560. Thereafter, the Board held a telephonic conference with the parties to set a schedule for further proceedings. The parties agreed to submit the appeal for decision on the record pursuant to Board Rule 11. Deadlines were set for submissions of briefs. At the request of Appellant, the Board granted an extension of the period within which it could file the opening brief. The Board has now received a letter from Appellant stating that the parties have resolved all disputes. Appellant therefore requested dismissal of its appeal with each party to pay its own costs and attorney's fees. The letter stated that Government counsel consents to the dismissal.

DECISION

Based on Appellant's letter of dismissal, the appeal is dismissed.

ANNE W. WESTBROOK
Administrative Judge

Concurring:

EDWARD HOURY
Administrative Judge

JOSEPH A. VERGILIO
Administrative Judge

Issued at Washington, D.C.
February 29, 2000